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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,198	01/24/2007	Yoshiaki Kusunoki	1190-0761PUS1	5538

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EXAMINER	
HARVEY, DAVID E	

ART UNIT	PAPER NUMBER
2481	

NOTIFICATION DATE	DELIVERY MODE
02/18/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/590,198	KUSUNOKI ET AL.	
	Examiner	Art Unit	
	DAVID E. HARVEY	2481	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 December 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *7 and 14* is/are allowed.

6)☒ Claim(s) *1,2,4,8,9 and 11* is/are rejected.

7)☒ Claim(s) *3, 5, 6, 10, 12, 13* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. With respect to the arguments filed 12/1/2010:

A) Turning to claim 1, it is noted that the "for each broadcast program detected" recitation of line 18 is inclusive, i.e., explicitly, of the state in which only one such program is (and/or needs to be) detected as evidenced by the "one or more" recitation of line 11.

B) Contrary to applicant's arguments, the examiner maintains that the applied prior art of Takatori et al (US #6,252,629) is fact "sets" an "incremental extension time period" prior to the searching of the EPG. Specifically, as described, the system is set with a pre-stored standard/default "incremental extension time period" that is applied unless the user feels that the standard/default time period is not suitable. **[e.g., Note: lines 5-28 of column 11]**.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,252,629 to Takatori et al. in view of Japanese Patent Document #2003/134431 to Kato (i.e., machine generated translation provided herewith).

I. The showing of Takatori:

As is shown in Figure 1 **[note lines 45-67 of column 7 and column 8]**, Takatori discloses an apparatus for recording television signal broadcasts that includes:

1) A recording device (@ 52);

2) A recording programming device (e.g., @ 200, 210, and 220);

3) A program information acquisition device (e.g., @ 51)for acquiring EPG information;

4) An keyword searching device (e.g., @ 54) which searches the EPG information to find programs of a genre that are likely to be extended/delayed thereby disrupting the start time of a subsequent program on that channel in time **[note lines 11-67 of column 8]**; and

5) A delay device (e.g., @ 55, 200, 56) which permits a delay to be added to the end time of the subsequent program, in response to the detection **[note lines 59-67 of column 8]**.

II. Differences:

Claim 1 differs from the showing of Takatori only in that claim 1 recites that the keyword searching device is an extension keyword searching device that searches for a predetermined extension keyword.

III. Obviousness:

Kato teaches that an EPG format for embedding extension/delay information had not been standardized and, as such, it was known to have performed a word search on the EPG data stream to identify the extension/delay data embedded therein so as to identify the programs that have been extended **[note paragraphs 0065 and 0066 of the provided translation].** The examiner maintains that it would have been obvious to one of ordinary skill in the art to

have modified the searching device in Takatori to search for embedded extension keywords as taught by Kato
The modification would have been advantageous in the extension keywords identified actual programming delays vs potential delays; i.e., motivation for the modification.

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With respect to the argument's filed 12/1/2010:

A) First, it is maintained that the amendment made to claim 1 fails to overcome the applied prior art of record for the reasons set forth above in paragraph 1 of this Office action; and

B) Alternatively, the examiner takes Official Notice that it was notoriously well known in the television recording art to have continuously searched/monitored the supplied EPG for any updates that affect any registered timer/reservation up to the time that registered timer/reservation is actually executed. In light of this state-of-the-art, the examiner maintains that it would have been obvious to one of ordinary skill in the art to have further modified the system disclosed by Takatori with such circuitry for updating the registered timers/reservations therein; i.e., clearly a timer/reservation were set in advance of the actual recording date/time, in which case, extensions/delays occurred subsequent to the setting of the timer/reservation an thus result in erroneous operation (i.e., preventing such erroneous operation was the reason said notoriously well known updating circuitries were provided/developed).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,252,629 to Takatori et al. in view of Japanese Patent Document #2003/134431 to Kato for the same reasons that were set forth above for claim 1. Additionally:

It is maintained that the modified system of Takatori inherently includes a delay adding device simply by the fact that a delay is added. For completeness, while not needed to meet the instant claims, the examiner maintains that it would have been obvious to have automated the delay adding process in the modified system given that the detected delays represent actual delays.

5. **Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,252,629 to Takatori et al. in view of Japanese Patent Document #2003/134431 to Kato for the same reasons that were set forth above for claim 1.**

6. **Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,252,629 to Takatori et al. in view of Japanese Patent Document #2003/134431 to Kato for the same reasons that were set forth above for claim 1. Additionally:**

It is noted that the entire structure of the modified system of Takatori comprises a processor.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,252,629 to Takatori et al. in view of Japanese Patent Document #2003/134431 to Kato for the same reasons that were set forth above for claim 8. Additionally:

It is maintained that the modified system of Takatori inherently includes a delay adding device simply by the fact that a delay is added. For completeness, while not needed to meet the instant claims, the examiner maintains that it would have been obvious to have automated the delay adding process in the modified system given that the detected delays represent actual delays.

8. **Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,252,629 to Takatori et al. in view of Japanese Patent Document #2003/134431 to Kato for the same reasons that were set forth above for claim 8.**

9. Claims 3, 5, 6, 10, 12, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 7 and 14 are allowed.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Peter-Anthony Pappas, can be reached on (571) 272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID E HARVEY/
Primary Examiner, Art Unit 2481

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